

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

**FILED**

June 21, 2022

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

**REBECCA PAEZ,**

*Plaintiff,*

**v.**

**WAL-MART STORES TEXAS,  
LLC,**

*Defendant.*

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BY: Greg Duenas  
DEPUTY

**EP-20-CV-00321-DCG**

**VERDICT FORM**

**Question No. 1:**

Did the negligence, if any, of those named below proximately cause the occurrence in question?

With respect to the condition of the premises, Wal-Mart Stores Texas, LLC was negligent if:

1. the condition posed an unreasonable risk of harm, **and**
2. Wal-Mart knew or reasonably should have known of the danger, **and**
3. Wal-Mart failed to exercise ordinary care to protect Rebecca Paez from the danger, by both failing to adequately warn Rebecca Paez of the condition and failing to make that condition reasonably safe.

Answer "yes" or "no" for each of the following:

1. Wal-Mart Stores Texas, LLC Yes
2. Rebecca Paez Yes

The term "preponderance of the evidence" means the greater weight and degree of credible evidence presented in this case. For a fact to be proved by a preponderance of the evidence, you must find that the fact is more likely true than not true. A preponderance of the evidence is not measured by the number of witnesses or by the number of documents admitted in evidence. In determining whether any fact has been proved by a preponderance of the evidence in the case, unless otherwise instructed, consider the testimony of all witnesses, regardless of who may have called them, and all exhibits received in evidence, regardless of who may have produced them.

"Negligence," when used with respect to the conduct of Rebecca Paez, means failure to use ordinary care, that is, failing to do that which a person of ordinary prudence would have done under the same or similar circumstances or doing that which a person of ordinary prudence would not have done under the same or similar circumstances.

"Ordinary care," when used with respect to the conduct of Wal-Mart, means that degree of care that would be used by a grocery retail store of ordinary prudence under the same or similar circumstances.

"Ordinary care," when used with respect to the conduct of Rebecca Paez, means that degree of care that would be used by a person of ordinary prudence under the same or similar circumstances.

"Proximate cause" means a cause that was a substantial factor in bringing about an event and without which cause such event would not have occurred. In order to be a proximate cause, the act or omission complained of must be such that a person using ordinary care would have foreseen that the event, or some similar event, might reasonably result therefrom. There may be more than one proximate cause of an event.

**Question No. 2:**

If you answered "yes" to Question No. 1 for more than one of those named below, then answer the following question. Otherwise, do not answer the following question.

Assign percentages of responsibility only to those you found caused or contributed to cause the occurrence. The percentages you find must total 100 percent. The percentages must be expressed in whole numbers. The percentage of responsibility attributable to anyone is not necessarily measured by the number of acts or

omissions found. The percentage attributable to anyone need not be the same percentage attributed to that one in answering another question.

For each of those you found caused or contributed to cause the occurrence, find the percentage of responsibility attributable to each:

1. Wal-Mart Stores Texas, LLC 51 %

2. Rebecca Paez 49 %

Total: 100%

**SIGNED on this 16 day of June 2022, in El Paso, Texas**

A solid black rectangular box used to redact the signature of the foreperson.

Foreperson